

# LOCKHART RIVER ABORIGINAL SHIRE COUNCIL

ABN 55 631 460 952

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## Minutes of Ordinary Council Meeting

**Date:** 14 April 2014

**Venue:** Council Chambers  
Lockhart River  
14 Maathuy Street, Lockhart River

1. **Attendance**

Cr. Wayne Butcher – Mayor  
Cr. Norman Bally  
Cr. Rebecca Elu  
Cr. Paul Piva  
Cr. Veronica Piva  
Mr. Peter Opio-Otim – CEO

2. **Opening**

Mayor declared the meeting open at 9.25am and invited Cr. Veronica Piva to open the meeting with a short prayer.

3. **Apology**

Nil

4. **Condolences**

Council noted with deep regret the passing away of the following Community Members:

- Mr Phillip Sandy
- Mr. Lawrence Omeenyo
- Ms Agnes Creek – Former Councillor

**RESOLUTION LRASC 01 | 04 | 2014**

**That Council convey deepest sympathy and condolences to the family and friends of**

- Mr Phillip Sandy**
- Mr Lawrence Omeenyo**
- Ms Agnes Creek**

**and that Council will make contribution of the one thousand dollars (\$1,000.00) to each of the deceased families, further Council agreed to be represented at the funeral of the former Lockhart River Aboriginal Shire Council**

**Moved: Cr. Paul Piva**  
**Seconded: Cr. Norman Bally**  
**Carried:**

5. **Conflict of Interest: Material Personal Interest**

Cr. Wayne Butcher declared his interest in relation to item 30 on the Council Agenda.

6. **Minutes of Ordinary Meeting held on 19<sup>th</sup> – 20<sup>th</sup> March 2014**

**RESOLUTION LRASC 02 | 04 | 2014**

**That minutes of the Ordinary Council meeting held on 19<sup>th</sup> and 20<sup>th</sup> May 2014 be confirmed as true and correct.**

**Moved: Cr. Wayne Butcher  
Seconded: Cr. Paul Piva  
Carried:**

7. **Business arising out of Minutes**

*7.1 Working on Country*

It was noted that the Federal Department of Environment had signed an arrangement with Council to manage the project. Any change to the existing arrangement must first be discussed with the Department; likewise the employment of a new coordinator must in first instance be discussed with the Department.

*7.2 Vacant Position – Housing Officer*

Council urged the Department of Housing and Public Works to re-advertise the Community Housing Officer position as soon as possible. Council resolved as follows:

**RESOLUTION LRASC 03 | 04 | 2014**

**That a Councillor be represented on the selection panel for the position of Community Housing Officer.**

**Moved: Cr. Paul Piva  
Seconded: Cr. Wayne Butcher  
Carried:**

Council also agreed to review the existing tenancy arrangement especially in regard to Vacant House Policy: Head Tenant residing outside Lockhart River.

### 7.3 Council Boundary Adjustment

This subject has been discussed before. The subject will be discussed with the Mayor of Cookshire at the CIMA meeting in Cairns on the 29 April 2014. The Mayor will report back to Council on the outcome of the meeting.

## 8. Action Sheet

### **RESOLUTION LRASC 04 | 04 | 2014**

**That Council sighted and noted actions taken on resolutions passed at the Ordinary Meeting held on 19<sup>th</sup> and 20<sup>th</sup> March 2014.**

**Moved: Cr. Veronica Piva**

**Seconded: Cr. Paul Piva**

**Carried:**

## 9. Department of Housing and Public Works

The following information was received from the Department:-

- February 2014, Tenancy Management Report
- Collections reports for the month of February and March 2014
- Accounts that are 4 or more weeks in arrears.

### **RESOLUTION LRASC 05 | 04 | 2014**

**That Council received, sighted and noted.**

- **Collections reports for the month of February and March 2014**
- **Tenancy Management Report for month of February 2014**
- **Tenant Accounts that were four (4) or more weeks in arrears.**

**Moved: Cr. Paul Piva**

**Seconded: Cr. Norman Bally**

**Carried:**

Council requested the Department to provide names of tenants who have rental arrears that are four (4) weeks or more. Council felt that some of the ex-tenants may be deceased persons hence such debts will be unrecoverable.

## **10. Department of Communities**

List of dwellings and tenants affected by the lease agreement was provided to the Council. A template of copy of letter to be signed by Mayor and sent to all tenants affected by the lease agreement was tabled.

### **RESOLUTION LRASC 06|04|2014**

**That Council endorse the letters signed by the Mayor and forwarded to the head of all tenants affected by the Lease Agreement for (51 properties) in Lockhart River.**

**Moved: Cr. Rebecca Elu  
Seconded: Cr. Norman Bally  
Carried:**

## **11. Department of Aboriginal and Torres Strait Islander and Multicultural Affairs. Program Office: ILUA**

A brief estimate of the time it takes to lodge the ILUA with NNTT was provided to the Council. Council agreed that the proposed "scope of ILUA" be discussed with the Department on 19 May 2014 in Cairns. The CEO will notify the Program office.

## **12. Department of Aboriginal and Torres Strait Islander and Multicultural Affairs: Template Agreement to lease and lease**

Council received copies of the Final Agreement to lease and lease for use by Council as required.

The template documents are designed to reduce the costs for Trustees entering into 99 year lease arrangements for private residential purposes under the Aboriginal Land Act 1991, and to ensure consistency with the documentation issued by all Trustees.

### **RESOLUTION LRASC 07|04|2014**

**That Council note the Final Template Agreement to Lease and 99 year lease for private residential purposes under the Aboriginal Land Act 1991 (QLD) and that DATSIMA be invited to explain the document to the Community.**

**Moved: Cr. Paul Piva  
Seconded: Cr. Rebecca Elu  
Carried:**

**13. Department of Local Government, Community Recovery and Resilience:  
Council letter to Regional Director, Northern Region – Issues discussed on visit.**

**RESOLUTION LRASC 08|04|2014**

**That Council endorse letter written by CEO and forwarded to Regional Director Northern Region on issues discussed during the visit.**

**Moved: Cr. Norman Bally**

**Seconded: Cr. Paul Piva**

**Carried:**

**14. Department of Local Government, Community Recovery and Resilience: Head of Agreement**

A new head agreement has been prepared by the Department which no longer have an expiry date. This new head agreement will remain in force unless it is terminated in accordance with Clause 12 of the agreement. The new head agreement will provide for the continuation of any existing sub-agreements for approved projects currently being undertaken.

Council was required to sign the new head agreement. Council noted that on the 18 November 2009, a head agreement was executed by Council and the Department and is due to expire on 17 November 2014.

**RESOLUTION LRASC 09|04|2014**

**That Council will study the new Funding Agreement between Lockhart River Aboriginal Shire Council and Department and get back to the Department on its decision.**

**Moved: Cr. Wayne Butcher**

**Seconded: Cr. Veronica Piva**

**Carried:**

**15. Department of Local Government, Community Recovery and Resilience**

Council was provided with information of 2014 – 2015 Joint Application Package for Disaster Mitigation and Resilience Funding. Funding program covered three areas:-

- Local Government Funding Program Subsidy \$12.8 m
- Natural Disaster Resilience Program \$24m
- Royalties for Regions (Flood Mitigation Projects Only) \$10m

Council noted the letter.

**16. Department of Local Government Community Recovery and Resilience Survey**

A survey form was sent to the Mayor by the Department. Mayor promised to complete the survey. Council may consider conducting community satisfaction surveys in the future as a positive way of providing feedback on the scorecard of Council Operations.

**17. LGAQ: Elected Members update**

**RESOLUTION LRASC 10|04|2014**

**That Council will attend the proposed Elected Member update session in Cairns on Thursday 17 July 2014**

**Moved: Cr. Wayne Butcher**

**Seconded: Cr. Veronica Piva**

**Carried:**

**18. LGAQ: IR Reform updated: One award for Local Government**

The Full Bench of the QIRC has decided that there will be one award for Local Governments in Queensland. The Award Modernisation Team is to release an exposure draft and distribute it to all Councils. Following the release of the Exposure Draft, there will be a number of conferences to discuss the award.

**RESOLUTION LRASC 11|04|2014**

**That Director of Finance and Administration and the Human Resources Officer be required to attend the Modernisation of Awards briefing sessions.**

**Moved: Cr. Veronica Piva**

**Seconded: Cr. Rebecca Elu**

**Carried:**

### **19. Council letter to QRA Activation Request**

On 31 March 2014 Council CEO wrote to QRA seeking activation for the restoration of Essential Public Assets due to severe weather events – monsoonal rainfall from 9 to 14 January 2014.

#### **RESOLUTION LRASC 12|04|2014**

**That Council endorse the CEO letter to QRA seeking activation for the restoration of Essential Public Assets.**

**Moved: Cr. Wayne Butcher**

**Seconded: Cr. Norman Bally**

**Carried:**

### **20. Black and More: ATSI TIDS program**

Black and More provided Council with a list of priority projects under TIDS for 2014 – 2015.

#### **RESOLUTION LRASC 13|04|2014**

**That Council will discuss the list of priority projects with the new Director of Engineering Services**

**Moved: Cr. Wayne Butcher**

**Seconded: Cr. Paul Piva**

**Carried:**

### **21. Black and More: Civil Works Delivery for 2014**

Black and More wrote to the Council, following meeting with the Council on 24 March 2014 for Council to consider convening a meeting to discuss the options for the delivery of Council Civil Works going forward activities.

The current council panel of providers is due to expire on 30 June 2014. Council agreed to have a meeting with internal as well as external stakeholders. However no firm dates were proposed.



**22. Black and More: Borrow pits in Lockhart River**

Black and More provided Council with acrobat files showing the location of the borrow pits in Lockhart River. Council noted the information provided and sought additional information:

- How much materials have been left in the borrow pits
- How much money is needed to rehabilitate the sites

**23. Black and More: Lockhart River Drainage Master Plan, minutes of meeting held on 20 March 2014.**

**RESOLUTION LRASC 14|04|2014**

**That minutes of the Lockhart River drainage Master Plan be received and noted.**

**Moved: Cr. Norman Bally  
Seconded: Cr. Wayne Butcher  
Carried:**

**24. Cairns Regional Council: Certificate of Analysis: Effluent Pond Water test**

Samples sent to Cairns Laboratory from effluent ponds in Lockhart River did not meet the RQC limits. However the water samples that were tested, all met the NH2MRC(2011) guidelines for drinking water for the parameters tested.

**RESOLUTION LRASC 15|04|2014**

**That Council note the unfavourable report on the effluent pond as well as the report provided on the water samples tested.**

**Moved: Cr. Norman Bally  
Seconded: Cr. Rebecca Elu  
Carried:**

Council agreed to talk to Mike to provide quote on the costs of cleaning the Council pond area.

**25. Cape York Institute: Empowered Communities Project**

A letter from Cape York Institute on “Empowered Communities in Cape York” was received by Council.

Cr Wayne Butcher advised Council that he will be meeting with Mr. Noel Pearson in the coming week to discuss the proposal. He will then report back to the Council on what actions need to be taken on.

**26. Letter from Cr Wayne Butcher: Employment of Students during Easter Break School Holidays 07 – 17 April 2014.**

A letter addressed to the CEO and copied to all Councillors and Senior Staff of the Council from affected work areas to employ high school students during the school holiday period was tabled.

**RESOLUTION LRASC 16|04|2014**

**That Council endorse the letter to employ the seven high school students in different areas of the Council operations from 7 – 17 April 2014 (School Holidays Period)**

**Moved: Cr. Norman Bally  
Seconded: Cr. Paul Piva  
Carried:**

**27. Lockhart River: Community Housing Pilot Program Proposal – Project Management Plan**

A copy of the proposed Project Management Plan for the Community Housing Pilot Program was tabled and discussed by the Council.

**RESOLUTION LRASC 17|04|2014**

**That Council endorse the proposed Project Management Plan for the community housing pilot program subject to detailed resource plan to be included in the document.**

**Moved: Cr. Wayne Butcher  
Seconded: Cr. Veronica Piva  
Carried:**

**28. Memo from Mayor Dongas for sale**

Weipa Houseboats notified a Councillor of some “cheap” dongas for sale and wondered whether Council was interested in buying the second hand dongas.

CEO advised Council of the need to comply with the Council Procurement process. Council agreed to check on the details of the offer before any decision can be made.

**29. Greta Accoom: Request for donation**

Council received a letter from a community member; Ms Greta Accoom requesting for financial assistance to enable Mr. Alfred Accoom and Ms Simone Accoom to attend a year 12 formal function.

**RESOLUTION LRASC 18|04|2014**

**That Council will only provide financial support for students attending year 12 graduation ceremony. The request was therefore declined.**

**Moved: Cr. Wayne Butcher**

**Seconded: Cr. Rebecca Elu**

**Carried:**

**30. Wayne Butcher: Expression of Interest to lease the Old Contractor Camp Donga (Old Puchiwoo Camp)**

Cr. Wayne Butcher made a brief statement on the history of the old contractor camp donga (Old Puchiwoo area). He then declared his interest and left the room at 12:40 pm.

**RESOLUTION LRASC 19|04|2014**

**That Council will ascertain the legal status of the Camp in question and invite Expression of Interest to lease the Camp from Local Indigenous persons (As a way of supporting local entrepreneur) who must agree to continue to use the Camp as accommodation for trades' people.**

**Moved: Cr. Rebecca Elu**

**Seconded: Cr. Paul Piva**

**Carried:**

Cr. Wayne Butcher re-joined meeting at 12:55 pm

**31. Australia Government: Indigenous Land Corporation**

A summary of the Aboriginal and Torres Strait Islander (A stronger Land Account) Amendment Bill was provided to the Council. Council resolved to discuss this matter with other Cape York Local Government Councils in order to present a united strong voice on the proposed amendment.

**32. Cape York Accounting Smithfield: Preparation of Tax Return for 2014**

**RESOLUTION LRASC 20|04|2014**

**That Council approve of Cape York Accounting Services – Smithfield to prepare the tax returns for Lockhart River Community for 2014 based on the rates that have been quoted.**

**Moved: Cr. Wayne Butcher**

**Seconded: Cr. Paul Piva**

**Carried:**

**33. CEO: Implementation of the Lockhart River Aboriginal Council Operational Plan: 3<sup>rd</sup> Quarterly Review**

A detailed assessment of the performance of the Council on its implementation of the 2013 – 2014 Operational Plan was prepared and tabled by the CEO. This is the 3<sup>rd</sup> progress report on the implementation of the 2013 – 2014 Operational Plan.

**RESOLUTION LRASC 21|04|2014**

**That Council note the progress made issues and challenges that have so far been encountered in the implementation of the 2013 – 2014 Council Operational Plan**

**Moved: Cr. Wayne Butcher**

**Seconded: Cr. Veronica Piva**

**Carried:**

#### **34. Engineering Services Section – Monthly Reports**

Only one report from the section was tabled. Most of the projects were discussed under various items above.

##### **RESOLUTION LRASC 22 | 04 | 2014**

**That Council note the report – one report – from the Engineering Section of the Council for the month ended 31 March 2014**

**Moved: Cr. Paul Piva  
Seconded: Cr. Rebecca Elu  
Carried:**

#### **35. Community Development Section**

##### **RESOLUTION LRASC 23 | 04 | 2014**

**That the following reports from the Community Development section be received and noted:**

- **Directors report for the month of February and March 2014**
- **Wulpumu Community Justice Group**
- **HACC reports for the month of February and March 2014**
- **Pytham Women’s Shelter Report**
- **YARI Report**
- **Kids Club Report**
- **Family Get Together Report**
- **Library Report**
- **Radio Report**
- **Centrelink Report**

**Moved: Cr. Wayne Butcher  
Seconded: Cr. Veronica Piva  
Carried:**

#### **36. Finance and Administration**

##### ***36.1 Lockhart River Finance Statement for the period ended 31 March 2014***

Director of Finance and Administration presented the Council Financial Statements via a teleconference

**RESOLUTION LRASC 24|04|2014**

**That the Financial Statement of the Council for the period ended 31 March 2014 as presented be received and accepted.**

**Moved: Cr. Wayne Butcher  
Seconded: Cr. Paul Piva  
Carried:**

*36.2 Lockhart River Aerodrome Company: Profit and Loss Statement for Period ended 31 March 2014*

**RESOLUTION LRASC 25|04|2014**

**That Council sighted and noted the profit and loss statement for the Lockhart River Aerodrome Company Pty Ltd for the period ended 31 March 2014.**

**Moved: Cr. Veronica Piva  
Seconded: Cr. Rebecca Elu  
Carried:**

*36.3 Internal Audit Report*

Peter Catterson joined the meeting via telephone conference at 1:30 pm. He presented the Internal Audit report on two levels.

- Council report on the findings and recommendations
- Aerodrome report on the findings and recommendations

In general, performance is good, but can still be improved.

**RESOLUTION LRASC 26|04|2014**

**That Council note the Internal Audit report tabled at the meeting on 14 April 2014 and in particular pay due attention to the findings and recommendations made in the report.**

**Moved: Cr. Paul Piva  
Seconded: Cr. Norman Bally  
Carried:**

**RESOLUTION LRASC 27|04|2014**

That Council sighted and noted the internal audit report as tabled and strongly advise the Aerodrome Board to take appropriate actions based on the recommendations of the report.

Moved: Cr. Norman Bally  
Seconded: Cr. Veronica Piva  
Carried:

*36.4 Chief Executive Officer – Recruitment Process*

**RESOLUTION LRASC 28|04|2014**

Council agreed to the following timetable for the CEO recruitment process

- 06 May 2014 Shortlisting of applicants to be done
- 20 May 2014 Shortlisted applicants to be flown on a charter to Lockhart River. Face to face interview to take place in Lockhart River

Moved: Cr. Paul Piva  
Seconded: Cr. Norman Bally  
Carried:

*36.5 Stanley Mugwiria – Contract of Employment Renewal*

**RESOLUTION LRASC 29|04|2014**

That the Contract of Employment for Mr. Stanley Mugwiria in his capacity as the Council Director of Finance and Administration be renewed for five (5) years from the date of expiration of existing (current) contract of Employment.

Moved: Cr. Norman Bally  
Seconded: Cr. Wayne Butcher  
Carried:

36.6 *Senior Administration Officer – Relocation to work in Cairns Office for 6 months as well as continue Certificate III Business Administration Training.*

Ms Deanka Omeenyo sought to be relocated to Cairns and work out of the Cairns Office for at least six months. During this period, she will also undergo Certificate III training in Business Administration. Council agreed to the relocation and training but maintained its position on the resolution that was passed in relation to staff working hours.

36.7 *Register of Interest of Councillors*

Councillors were reminded again to complete the register of interests' forms and have then returned to the office of the CEO for by the following week. Completion of the Register of Interest Forms is one of the Conditions that Councillors must meet as elected members. It is also a statutory requirement.

### **37. Clarence Moses Retail Store**

No income statement was provided by the Department to the Council. CEO to follow up on this.

No further advice has been received by the Council in relation to the future directions of the Retail Stores that are still under the management of the Queensland Government Department. LGAQ to follow up on this.

Community Retail Store Committee, the Committee will be reformed after work on the completion of the Terms of Reference (TOF) for the Committee has been finalised.

### **38. Community Public Meeting**

Minutes of last Community Public Meeting held on 26 March 2014 was tabled

**RESOLUTION LRASC 30|04|2014**

**That Council note the minutes of the Public Meeting held on 26 March 2014.**

**Moved: Cr. Wayne Butcher**

**Seconded: Cr. Veronica Piva**

**Carried:**



### **39. Elected Members Report**

#### *39.1 Cr. Wayne Butcher (Mayor)*

Mayor tabled a written report. His reported covered the following areas:-

- Puuya Foundation
- CIMA Meeting
- School Attendance
- On-going projects
- Meetings with other agencies

#### *39.2 Cr. Norman Bally (Deputy Mayor)*

Cr Norman Bally apologised for not presenting a written report. He provided a verbal report. His report covered:

- Parks and Gardens activities. Operations are running smoothly
- Men's Group. Coordinator has now been appointed.

#### *39.3 Cr. Paul Piva*

Cr. Paul Piva apologised for not presenting a written report. He went on to give a verbal report. His report focused on the operations of MyPathway in the Community. He stated that although the Company has identified many activities, there is virtually no work being done on the ground.

#### *39.4 Cr. Veronica Piva*

Cr. Veronica Piva provided a verbal report at the meeting. She reported on the following:-

- HACC. Training in Certificate III in food handling
- HAT. Meeting at Clinic
- COMMUNITY DEVELOPMENT. Various meetings
- YOUTH. Still major problems with text messaging.

#### **RESOLUTION LRASC 31 | 04 | 2014**

**That Council receive and note the Mayor's report.**

**Moved: Cr. Norman Bally**

**Seconded: Cr. Rebecca Elu**

**Carried:**

#### **40. General Business**

*40.1 Men's Committee*

There is an urgent need to recommence the Men's Committee meeting.

*40.2 Lease of Farm*

Council will draft MOU between the Council and MyPathway for the lease of Council land to be used by MyPathway for farming purpose.

*40.3 Local Laws*

Following extensive and exhaustive public discussions and consultation Council passed the following resolutions

**RESOLUTION LRASC 32 | 04 | 2014**

**That the newly adopted Local Laws of the Council will come into effect from 28 April 2014.**

**Moved: Cr. Paul Piva**

**Seconded: Cr. Norman Bally**

**Carried:**

*40.4 YARI Project*

Council noted with concern that all the three persons employed to work in the YARI project lack supervisory skills. The need for head hunting to find a suitable person was recommended.

*40.5 Cate Adams - Relocation*

This matter was discussed and referred to the CEO to deal with it.

#### **41. Date and Venue of next Ordinary Council Meeting**

The next ordinary meeting will take place on the third Wednesday 21 May 2014. The meeting will be held in Lockhart River.

#### **42. Vote of thanks and close of meeting**

There being no other business, Mayor thanked all and closed the meeting at 4:00pm